

25 FAR 49 | 12/10/1999 | NOTICE OF PROPOSED RULES

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

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MEETING DATE Thursday, January 6, 2000

MEETING TIME 10:00:00

RULE NO 60Y-5.001

TITLE Complaints

**SPECIFIC
AUTHORITY** 760.06(12), 760.11(14) FS.

**LAW
IMPLEMENTED** 760.06, 760.10, 760.11(1) FS.

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ORIGINATOR Dana Baird, General Counsel

APPROVER Ronald McElrath, Executive Director

PROPOSAL DATE 10/6/1999

PUBLISH DATE 10/15/1999

Purpose

The goal of the proposed rule amendments is to simplify and clarify the requirements of a complaint filed with the Florida Commission on Human Relations. The effect of the proposed rule amendments is that rule requirements will comport with the statutory requirements.

Summary

60Y-5.001 sets forth the rule requirements of a complaint filed with the Florida Commission on Human Relations. The proposed rule amendments will result in rule requirements that comport with the statutory requirements. A complaint will be permitted to be filed at any time within 365 days of the occurrence of the alleged unlawful employment practice. In addition, a complaint will need to be in writing, signed by the Complainant, verified, and sufficiently precise to identify the parties and to describe generally the action or practice complained of. When it is determined that a complaint has been timely filed, the Commission, within 5 days of the complaint being filed, shall send by registered mail notice of the filing and a copy of the complaint to the respondent. An amendment likewise will be sent by registered mail to the respondent.

Regulatory Costs

No statement of estimated regulatory cost has been prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Notification

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

FULL TEXT OF THE PROPOSED RULE

60Y-5.001 Complaints.

(1) No change.

(2) Time for Filing. A complaint may be filed at any time within 365 ~~180~~ days of the occurrence of the alleged unlawful employment practice. If the alleged unlawful employment practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the unlawful employment practice up to and including the date on which it shall have ceased.

(3) through (6) (a) No change.

(6) (b) Notwithstanding the provision of paragraph (a) of this subsection, a complaint is sufficient if it is in writing, signed by the Complainant, verified, ~~under oath or affirmation~~ and is sufficiently precise to identify the parties and to describe generally the action or practice complained of.

(7) through (8) No change.

(9) Notice to Respondent. When it is determined that a complaint has been timely filed, the Commission, Executive Director ~~within 5 days of the complaint being filed,~~ shall send by registered mail ~~cause notice of the filing and a copy of the complaint to be served upon~~ the respondent. An amendment likewise shall be sent by registered mail to the ~~served upon a~~ respondent. ~~Notice should be served within 15 days of the date of filing.~~

(10) No change.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.06, 760.10, 760.11(1) FS. History-New 11-2-78, Amended 10-4-82, Formerly 22T-9.01, 22T-9.001, Amended 1-28-99, _____.